


BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2001-30-T - ORDER NO. 2002-519

JULY 11, 2002

IN RE:	Application of Jackie Walker DBA Jay's	)	ORDER GRANTING
	Moving Service, 111 Terrace Lane,	)	CLASS E CERTIFICATE
	Anderson, SC 29624 for a Class E Certificate	)	
	of Public Convenience and Necessity.	)	



This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Jackie Walker DBA Jay's Moving Service, 111 Terrace Lane, Anderson, SC 29624 (Jay's or the Company) for a Class E Certificate of Public Convenience and Necessity to transport household goods between points and places in South Carolina. The Application was subsequently downwardly amended to transport household goods between points and places in Anderson, Abbeville, and Greenwood Counties, South Carolina.

The Commission's Executive Director instructed Jay's to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. Petitions to Intervene were filed by Carey Moving and Storage, Inc., Arrow Moving and Storage, Inc., and Carey Moving and Storage of Greenville, Inc.

A hearing on the Application was held on April 17, 2002 at 2:30 PM in the offices of the Commission, with the Honorable William Saunders, Chairman, presiding. The Applicant was not represented by counsel. Jackie Walker testified on behalf of himself.

None of the intervenors appeared at the hearing. The Commission Staff was represented by F. David Butler, General Counsel. The Commission Staff presented no witnesses.

Jackie Walker testified that he had fifteen (15) years of experience in the moving business in New Jersey and Atlanta. Walker testified that he had the equipment and employees to handle the movement of household goods in the proposed service area. Walker had no civil judgments against him.

Walker also testified that there is a demand for his services in Anderson, Abbeville, and Greenwood Counties. He stated that he can take moves from other local movers that those movers cannot handle. Walker also noted that the three mentioned counties are growing in population.

S.C. Code Ann. Section 58-23-590(C) (Supp. 2001) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant has demonstrated that he is fit, willing, and able to perform the services sought by the Application. The testimony of Mr. Walker reveals that the company is fit, willing, and able under the standards articulated in 26 S.C. Regs. 103-133. Further, we find that the testimony of Mr. Walker indicates that the proposed service is required by the present public convenience and necessity. (We have waived in prior orders the shipper witness requirement of the

regulation when the Applicant seeks authority between points and places in three contiguous counties, such as in the case at bar. Accordingly, we grant the same waiver in the present case.)

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application and therefore grant authority to the Applicant in the form of a Class E Certificate of Public Convenience and Necessity for the movement of household goods as defined in R. 103-210(1) between points and places in Anderson, Abbeville, and Greenwood Counties. The grant of authority is contingent upon compliance with all Commission regulations as outlined below. However, we would caution the Applicant to operate within the scope of authority granted by this Order. The movement of household goods outside the scope of the authority granted by this Order will subject the Applicant to possible criminal charges and penalties.

IT IS THEREFORE ORDERED THAT:

1. The Application of Jackie Walker DBA Jay's Moving Service for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Anderson, Abbeville, and Greenwood Counties.

2. Jay's shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of

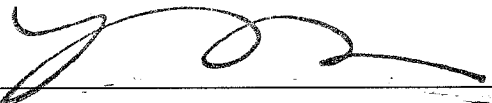
Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to Jay's authorizing the motor carrier services granted herein.

4. Prior to compliance with the above referenced requirements and receipt of a Certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)